



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

##### AMENDMENT

MULTI-COUNTY: Peninsula Corridor Joint Powers Board

A written comment period has been established commencing on **September 16, 2011**, and closing on **October 31, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **October 31, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code(s) and approve it as revised, or return the proposed code(s) for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. STATE LANDS COMMISSION**

### **DIVISION 3. STATE PROPERTY OPERATIONS**

#### **CHAPTER 1. STATE LANDS COMMISSION**

#### **ARTICLE 4.8. BIOFOULING MANAGEMENT REGULATIONS FOR VESSELS OPERATING IN CALIFORNIA WATERS**

### **NOTICE OF PROPOSED REGULATORY ACTION**

The California State Lands Commission (Commission) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

### **PROPOSED REGULATORY ACTION**

The Commission proposes to amend and renumber Section 2298 and adopt Sections 2298.1, 2298.2, 2298.3, 2298.4, 2298.5, 2298.6, 2298.7, and 2298.8 under Article 4.8 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). These sections would establish regulations governing the management of hull fouling (hereafter referred to as biofouling) on vessels arriving to a California port or place, as required by Public Resources Code (PRC) Section 71204.6. The proposed regulatory action would establish performance standards for biofouling management, and would set record keeping and reporting requirements for all vessels specified in PRC Section 71201. Additionally, the proposed regulatory action would establish inspection or cleaning requirements for high-risk vessels remaining in a port, place, or shared waters for ninety days or greater. Provisions are also included to provide a process for the submission and approval of petitions for alternatives to Article 4.8, should such cases occur.

### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 p.m. on October 31, 2011. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Ravindra Varma  
Supervisor, Planning Branch  
California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802

Written comments may also be submitted by facsimile at (562) 499-6317 or by email to [Ravi.varma@slc.ca.gov](mailto:Ravi.varma@slc.ca.gov).

### **PUBLIC HEARING**

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

### **AUTHORITY AND REFERENCE**

PRC Section 71201(d) declares that the purpose of the Marine Invasive Species Act (the Act) is to move the State expeditiously towards elimination of the discharge of nonindigenous species into waters of the State. In enforcing the provisions of the Act, the Commission is authorized to adopt the proposed regulations, which would implement, interpret, and make specific PRC Section 71204.6. This statute directs the Commission to develop and adopt regulations governing the management of biofouling on vessels arriving to a California port or place.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

PRC Section 71204.6 requires the Commission to develop and adopt regulations governing the management of biofouling on vessels arriving to a California port or place. PRC Section 71204.6 also mandates the Commission to consider vessel design and voyage duration in developing these regulations. The section further requires the Commission to develop the regulations based on the best available technology economically achievable and to design the regulations to protect the waters of the state.

Accordingly, the proposed regulation would implement and make specific the biofouling management requirements under PRC Section 71204.6. Without the regulations, the purpose of the Act as described in PRC Section 71201(d) cannot be achieved.

Section 2298 of the California Code of Regulations is amended and renumbered as 2 CCR 2298.7 to align with PRC Section 71205(e), which mandates that the

requirements contained within 2 CCR Section 2298 continue until the date the regulations described in PRC Section 71204.6 (i.e. the proposed regulations) are adopted. The “Hull Husbandry Reporting Form” revision date has been amended from June 6, 2008 to August 18, 2011. The revised form is reincorporated by reference and is available for review.

The purpose of the Hull Husbandry Reporting Form revision was to change the timing of annual submission from “within 60 days of receiving a written or electronic request from the Commission” to “twenty-four hours in advance of the first arrival of the calendar year to a California port or place.”

Section 2298.1(a) would set the purpose of Article 4.8.

Section 2298.1(b) would specify the vessels to which these regulations apply.

Section 2298.1(c) would identify the date of implementation of these regulations.

Section 2298.2 would narrowly define key terms that are used throughout the language of the regulations to describe management requirements and regulation applicability. These definitions ensure that the regulatory language is clear to the regulated industry and ensure that compliance occurs as intended by the regulations.

Section 2298.3 would prescribe performance standards for biofouling management that have been deemed the most biologically effective and economically feasible actions that will move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state. This section also describes the implementation timeline for new and existing vessels, and describes the requirements to maintain compliance-related documentation onboard.

Section 2298.4 would prescribe requirements for a Biofouling Management Plan, which would be maintained onboard the vessel and made available to Commission Marine Safety personnel upon request. The Biofouling Management Plan would contain specific information about the vessel’s biofouling management strategies and the types of anti-fouling systems used.

Section 2298.5 would prescribe requirements for a Biofouling Record Book, which would be maintained onboard the vessel and made available to Commission Marine Safety personnel upon request. The Biofouling Record Book would contain specific information about the vessel’s biofouling management actions.

Section 2298.6 would set specific inspection or cleaning requirements for vessels that remain in a specific port, place or shared waters for ninety days or greater prior to arriving to a California port or place.

Section 2298.7 would require submission of an annual reporting form to enable the Commission to collect necessary data to prioritize boarding and inspection,

based on a per-vessel risk assessment. It would also provide the necessary data to evaluate the efficacy of the proposed regulations and to inform any further revisions of these regulations, if necessary.

Section 2298.8 would describe a process for the submission and approval of petitions for alternatives to Article 4.8, should such cases occur. Alternatives proposed in petitions must fulfill the purpose of the regulation in Section 2298.1(a), and will be approved or withdrawn by the Division Chief.

## DIFFERENCES FROM FEDERAL REGULATIONS

Federal requirements for biofouling management to prevent the introduction of nonindigenous species can be found within the Code of Federal Regulations, specifically 33 CFR 151.2035(a)(5) and 33 CFR 151.2035(a)(6). These regulations require rinsing of the anchors and anchor chains to remove organisms at their place of origin as well as a requirement to remove biofouling from the hull, piping, and tanks on a regular basis and to dispose of any removed substances in accordance with local, State and Federal regulations. These requirements are also included in the Act, specifically PRC 71204(e) and 71204(f). The federal requirements do not offer any guidance as to the frequency of biofouling removal, other than the undefined phrase “regular basis.” Therefore, there is no specific federal requirement to maintain biofouling below a defined threshold and no federal requirement to keep onboard records, or to submit reporting forms, detailing biofouling management activities. There also are no federal requirements for high-risk vessels that remain in one location for extended periods of time to manage biofouling prior to entering a United States (US) port or place.

The biofouling management practices and performance standards prescribed by these proposed regulations are necessary to minimize the transport of non-indigenous species into and throughout the waters of the State of California.

### Small Business Determination

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610, because all affected businesses are commercial maritime transport owners and operators, as specified under Gov. C. Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

### Plain English Policy Overview

The proposed regulations have been drafted in a plain and straightforward manner and do not contain technical terms that require a plain English policy overview.



## ESTIMATED COSTS TO THE STATE

No costs to the State would be incurred in implementing and enforcing these proposed regulations. The programs mandated by the Act are funded exclusively by the Marine Invasive Species Control Fund, through fees collected from the owners of vessels subject to the Act.

## DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following determinations:

The Commission has determined that the proposed regulation does not impose any mandates on local agencies or school districts.

The Commission has determined that the proposed regulation does not impose any mandate requiring state reimbursement to any local agency or school district, pursuant to Government Code Sections 17500 *et seq.* No other non-discretionary cost or savings imposed on local agencies is anticipated.

The Commission has determined that no costs or savings to any other state agencies are anticipated.

The Commission has determined that the proposed regulation will have no significant impact upon any of the following:

- (1) Creation or elimination of jobs within the State of California;
- (2) Creation of new business or the elimination of existing businesses within the State of California; and
- (3) Expansion of businesses currently doing business within the State of California.

The Commission has determined that the adoption of this regulation will not affect small businesses. None of the businesses that will be governed by these proposed regulations can be considered to be a 'small business' as defined in Gov. Code § 11342.610.

The Commission has determined that the proposed regulation will have no significant effects on housing costs.

The Commission has determined that the proposed regulation will have no impact on costs or savings in Federal funding to the State.

The Commission finds that the adoption of this regulation is necessary for the health, safety, or welfare of the people of this state.

The Commission has determined that the proposed regulation will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impact on private persons or directly affected businesses: The estimates presented here were obtained through three sources: 1) estimates provided by shipping industry representatives who were involved in the development of the proposed regulations. These were reported estimates which were not verified against official financial documentation; 2) data collected from the shipping industry by the Commission through mandatory submission of the Hull Husbandry Reporting Form since 2008. Only data from 2008 and 2009 have been analyzed to date, thus data from 2010 and 2011 are not utilized here; and 3) academic peer-reviewed papers and scientific gray literature.

The potential costs associated with the proposed regulatory action relate to several provisions in the proposed regulations. The costs associated with inspection and maintenance of the wetted surfaces to meet the performance standards for biofouling management are dependent on the current frequency of a vessel's maintenance practices. At a bare minimum, most vessels are already required by the International Convention for the Safety of Life at Sea (SOLAS) to undergo out-of-water maintenance every five years. Commission-collected data indicates that the average vessel arriving to California undergoes out-of-water maintenance more frequently than this minimum. In 2008 and 2009, approximately 67 percent of vessels had been dry docked or delivered as new within the prior two years, and 84 percent within the prior three years. Additionally, most vessels are required by classification societies to undergo an intermediate survey approximately 2.5 years after the out-of-water maintenance. In addition, many vessel owners or operators elect to undertake additional in-water cleaning or propeller polishing in order to remove biofouling from the vessel to reduce biofouling-induced drag, the associated decrease in fuel efficiency, and the consequent increase in fuel costs. Propeller polishing is typically conducted as a first measure to address fuel efficiency, is often conducted every six months, and often includes a biofouling evaluation of the other underwater surfaces. Several shipping companies have indicated that they undergo propeller polishing and/or in-water inspection on a six-month interval. One company indicated that propeller polishing frequency is dependent on the vessel charterer; some request propeller polishing every six months, others every twelve months, and still others do not request propeller polishing until the intermediate inspection or the out-of-water maintenance. A regional maritime trade association indicated that it is the intent of its members to arrange for inspections on a six-month basis, but this is influenced by vessel type and trade lanes. Finally, a single company indicated that its vessels undergo hull cleaning every three years.

The estimated costs associated with the requirement to evaluate biofouling every six months (or within twelve months of out-of-water maintenance) ranges between “no impact” for vessel owners that currently undergo this type of maintenance on a six-month interval to between \$4,000 and \$6,500 per vessel per survey. Therefore, the per-vessel cost of the required biofouling evaluations will likely be: 1) no impact if vessel is already inspected or undergoes propeller polishing on a six-month interval; 2) \$4,000–\$6,500 per year if a vessel is on a 12-month inspection/polishing schedule (i.e. one additional evaluation per 12 months); or as much as 3) \$6,400–\$10,400 per year for vessels that currently do not conduct any underwater maintenance other than the currently required intermediate survey (i.e. up to four additional evaluations totaling \$16,000–\$26,000 over the 2.5 year period). One company indicated that if they were required to remove their vessel from service for an entire day to conduct the inspection, it would cost an additional \$50,000 due to the loss of a day of service. However, this assumes that the vessel would need to be removed from service for an entire day in order to conduct an inspection or propeller polishing. The same company also indicated on three separate occasions that their vessels undergo inspection or propeller polishing on a six-month frequency, thus not requiring any additional evaluations to meet the proposed regulations. This company later revised their frequency to every twelve months.

Several studies indicate that the potential costs associated with increased frequency of inspection or cleaning may be offset by a larger fiscal benefit from maintaining lower levels of biofouling. Increased levels of biofouling contribute towards increased hydrodynamic drag, reducing the fuel efficiency, and ultimately resulting in elevated fuel consumption and operating costs. Proper maintenance of biofouling will result in lower operating costs, and studies suggest that the fuel savings would far outweigh the potential maintenance costs (Munk et al. 2009, Hydrex 2010, Schultz et al. 2011). Schultz et al. (2011) evaluated costs associated with mid-sized US naval surface ships using the US Navy fouling rating system (FR), which at lower biofouling levels is consistent with the Level of Fouling ranking scale proposed in these regulations. The authors determined that a decrease from FR 30 (equivalent to the proposed Level of Fouling rank 2) to FR 20 (equivalent to the proposed Level of Fouling rank 1) would result in savings of approximately \$300,000 to \$400,000 in fuel costs per ship per year. These estimates were developed based on a mid-sized naval surface vessel so the exact savings may not be directly equivalent to the average merchant vessel, but the principles would be similar and there would undoubtedly be significant financial benefits to a vessel that was main-

tained to a Level of Fouling rank 1. Hydrex (2010) indicates that even a layer of microfouling (Level of Fouling rank 1) on a typical commercial cargo vessel traveling at twenty knots would result in an additional \$4,500 per day in fuel costs. This would equate to a cost of \$1.2 million per year for a single vessel.

There may also be costs associated with the development and maintenance of the required Biofouling Management Plan and Biofouling Record Book. Several companies have indicated that although there would be some costs associated with the development of these documents, most of the information is already kept on-board or as part of the Ship Management System. In these cases, the costs are expected to be minimal. One company indicated that it would cost \$4,000 per vessel to develop the Biofouling Management Plan and Biofouling Record Book. Finally several companies have indicated that the development of the two documents would require 80 person-hours, and the ongoing management and training would require 200 person-hours per year, with costs dependent on variable person-hour costs.

Companies which own or operate multiple vessels should be able to spread the cost of developing multiple sets of documents across these vessels resulting in reduced per-vessel costs. Additionally, both the Biofouling Management Plan and Biofouling Record Book proposed in these regulations are also part of the International Maritime Organization’s Guidelines for the Control and Management of Ships’ Biofouling to Minimize the Transfer of Invasive Aquatic Species. Although the IMO Biofouling Guidelines are voluntary, it is reasonable to assume that responsible owners and operators will adopt the guidelines and develop these documents, whether or not they are mandatory in California.

Section 2298.6, pertaining to the small minority of vessels remaining in one location for ninety days or greater may also have costs associated with it; however these costs will only be associated with a small percentage of the California fleet. In 2009, only 1.7% of the fleet reported remaining in one location for ninety days or greater since their most recent out-of-water maintenance. The costs for this specific regulation depend on the severity of the biofouling associated with the vessel and may range from \$4,000 to \$6,500 for in-water inspection, \$19,000 to \$27,000 for in-water cleaning, \$150,000 to \$800,000 for out-of-water cleaning, or \$300,000 to \$1,200,000 for full out-of-water maintenance (including repainting). These cost ranges for these options are wide and the exact amount is dependent on the size and type of vessel. However, any costs incurred to comply with this regulation may be recouped (possibly surpassed) through fuel savings as a

result of the decrease in biofouling-induced hydrodynamic drag, as discussed previously.

Finally, there may be minor costs associated with completing and submitting the Hull Husbandry Reporting Form. However, mandatory annual submission of this form has been required from every vessel operating in California since 2008. Therefore, there should be no significant increase in costs to continue to comply with this requirement.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

## CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to:

Christopher Scianni  
Staff Environmental Scientist  
California State Lands Commission  
Marine Facilities Division  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202  
Telephone: (916) 574-0209  
Facsimile: (916) 574-1950

Or to:

Mark A. Meier  
Senior Staff Counsel  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202  
Telephone: (916) 574-1853  
Facsimile: (916) 574-1855

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations if any, or other information upon which the rulemaking is based should be directed to:

Ravindra Varma  
Supervisor, Planning Branch  
California State Lands Commission  
Marine Facilities Division  
200 Oceangate, Suite 900  
Long Beach, CA 90802-4335  
Telephone: (562) 499-6400  
Facsimile: (562) 499-6317  
[Ravi.varma@slc.ca.gov](mailto:Ravi.varma@slc.ca.gov)

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Ravindra Varma as listed above.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the original proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least fifteen days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Ravindra Varma at the address indicated above. The Commission will accept written comments on the modified regulation for fifteen days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ravindra Varma at the address or telephone number listed above or by accessing the web address listed below.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of regulations, and other relevant documents can be accessed through our website at:



[http://www.slc.ca.gov/Spec\\_Pub/MFD/Ballast\\_Water/Ballast\\_Water\\_Default.html](http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html)

## TITLE 13. NEW MOTOR VEHICLE BOARD

### NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the California New Motor Vehicle Board (“Board”), pursuant to the authority vested in it by Vehicle Code section 3050(a), proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Board proposes to amend section 553 of Title 13 of the California Code of Regulations pertaining to the Annual Board Fee.

### PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered and adopted the proposed regulations at a noticed meeting held on February 4, 2011. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulation was mailed to the Board’s Public Mailing List and Electronic Public Mailing list. The agendas were also posted on the Board’s website. No comments by the public were received at the February 4, 2011, General Meeting, and no further public discussions were held prior to publication of the notice.

### PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 323–1632 or by email at [rparker@nmvb.ca.gov](mailto:rparker@nmvb.ca.gov) or [nmvb@nmvb.ca.gov](mailto:nmvb@nmvb.ca.gov). The written comment period

closes at 5:00 p.m. on **October 31, 2011**. The Board will consider only comments received at the Board’s offices by that time. Submit comments to:

Robin P. Parker, Senior Staff Counsel  
New Motor Vehicle Board  
1507 21<sup>st</sup> Street, Suite 330  
Sacramento, CA 95811  
(916) 323–1536 direct line  
(916) 445–1888 mail line  
(916) 323–1632 fax  
[rparker@nmvb.ca.gov](mailto:rparker@nmvb.ca.gov)

### AUTHORITY AND REFERENCE

Vehicle Code section 3050(a) authorizes the Board to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Business and Professions Code section 472.5, and Vehicle Code sections 3016, 3050, and 11723.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 3050(a) authorizes the Board to adopt rules and regulations governing such matters as specifically committed to it.

The adopted mission of the Board is to: “. . .enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair, cost–effective manner. The adopted vision statement provides that the Board safeguard for its “constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves the relations and reduces the need for costly litigation and develop methods that further improve the delivery of Board services in a timely and cost–effective manner. . .”

The Board proposes to amend Section 553 to reinstate the annual board fee from \$225 per year to \$300 per year for new motor vehicle dealers and from \$.338 per vehicle to \$.45 per vehicle for new motor vehicle manufacturers and distributors. This amendment also prohibits a manufacturer or distributor from paying an amount less than \$300 per year.

Vehicle Code section 3016 authorizes the Board to charge a fee to new motor vehicle dealers and other licensees under its jurisdiction in an amount sufficient to fully fund the Board’s activities.

Since the economic downturn, the Board has used its cash reserve to supplement annual income. However, the Board has conservatively forecasted continued slow growth and recovery in the new motor vehicle industry. If these fees are not raised, the Board’s cash reserve will be entirely depleted within the next two years.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California,
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

**Small Business Determination:**

The Board has determined that the proposed regulations will have minimal effect on small businesses. The proposed regulations reinstate fees to an amount equal to that which was collected in 2001.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if

any, or other information upon which the rulemaking is based to Ms. Parker at the following address:

Robin P. Parker, Senior Staff Counsel  
New Motor Vehicle Board  
1507 21<sup>st</sup> Street, Suite 330  
Sacramento, CA 95811  
(916) 323-1536 direct line  
(916) 445-1888 main line  
(916) 323-1632 fax  
rparker@nmvb.ca.gov

The back-up contact person for these inquiries is:

Randi Calkins, Regulations Coordinator  
Department of Motor Vehicles  
2415 1<sup>st</sup> Avenue, C244  
Sacramento, CA 95818  
(916) 657-8898 direct line  
(916) 657-1204 fax  
rcalkins@dmv.ca.gov

AVAILABILITY OF THE STATEMENT OF  
REASONS, TEXT OF PROPOSED  
REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all the information upon which the proposal is based. Copies may be obtained by contacting the contact persons identified above.

AVAILABILITY OF CHANGES OR  
MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for copies of any modified regulation should be addressed to the Board contact person or back-up contact person at the addresses indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Parker or Ms. Calkins at the addresses provided above.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout font can be accessed through the Board's website at [www.nmvb.ca.gov](http://www.nmvb.ca.gov).

## TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at The Sainte Claire, 302 South Market Street, San Jose, CA, 95113, at 9:00 a.m. on November 18, 2011. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office not later than 5:00 p.m. on October 31, 2011 or must be received by the California Board of Accountancy at the hearing. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, 5092, 5093, 5094 and 5094.6 of the Business and Professions Code; and to implement, interpret or make specific Sections 5092, 5093, 5094 and 5094.6 of the Business and Professions Code; the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, Business and Professions Code §5094.6(c), requires that, no later than January 1, 2012, the Board adopt, by regulation, guidelines for accounting study to be included as part of the education required for licensure as a certified public accountant. In adopting such regulations, the Board is required to consider the views of the Board's Accounting Education

Advisory Committee. This regulatory proposal would implement and establish the guidelines for accounting study as required by Section 5094.6(c), as follows:

#### 1. **Adopt Section 2.8 Title 16 of the California Code of Regulations.**

This proposal would define "satisfactory evidence" of completion of educational qualifications as certified transcripts mailed directly to the Board from the educational institution. It allows that in unusual circumstances, other evidence may be accepted by the Board. It states that foreign transcripts must be evaluated by a Board-approved credential evaluation service.

#### 2. **Amend Section 9.2 Title 16 of the California Code of Regulations.**

This proposal would delete the definition of "satisfactory evidence" which is being restated in proposed Section 2.8, and it would provide that the unit conversion formula is applicable to the entire article rather than limited to only this section.

#### 3. **Adopt Section 11 Title 16 of the California Code of Regulations.**

This proposal would specify that an applicant for licensure after January 1, 2014 must complete 24 units of accounting subjects, 24 units of business-related subjects, 20 units of accounting study and 10 units of ethics study. The applicant must provide satisfactory evidence of completion of these units.

#### 4. **Adopt Section 11.1 Title 16 of the California Code of Regulations.**

This proposal would define the 20 units of accounting study required in Section 11. An applicant may meet this requirement by obtaining:

1. A Master's degree in Accounting, Taxation, or Laws in Taxation; or
2. Completing a minimum of six units in accounting, a maximum of 14 units in business-related subjects, a maximum of nine units in other academic work relevant to accounting and business, and a maximum of four units in internships or independent studies.

This proposal also defines "other academic work relevant to accounting and business" as:

- a maximum of three units in courses that increase oral, verbal, written and presentation skills which also increase the ability to gather, critically analyze and assess, and reach conclusions from certain disciplines;
- a maximum of three units in foreign languages or in courses whose title contains certain words; and
- a maximum of three units in courses providing information on markets within which a particular industry operates and contain certain words in the title or be within certain disciplines.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The anticipated workload increase is considered minor and absorbable and can be redirected within existing Board staffing levels.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### AND

The following studies/relevant data were relied upon in making the above determination:

It is not anticipated that this proposal would require any additional costs to businesses or individuals. The law establishes the requirement of the 20 units of accounting study. This regulation is designed to clarify and specify which courses would qualify in order to satisfy this requirement.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are insignificant.

Effect on Housing Costs: None.

### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses.

### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise

been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, are available on the Board's Internet Web site at [http://www.dca.ca.gov/cba/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml) and may also be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named in the following section.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named in the following section or by accessing the Web site listed in the following section.

### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Matthew Stanley  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815  
Telephone No.: 916-561-1792  
Fax No.: 916-263-3678  
E-Mail Address: [mstanley@cba.ca.gov](mailto:mstanley@cba.ca.gov)

The backup contact person is:



Name: Dan Rich  
 Address: California Board of Accountancy  
 2000 Evergreen Street, Suite 250  
 Sacramento, CA 95815  
 Telephone No.: 916-561-1713  
 Fax No.: 916-263-3678  
 E-Mail Address: drich@cba.ca.gov

Web site Access: Materials regarding this proposal can be found at [http://www.dca.ca.gov/cba/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml).

## TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Ohlone College, Newark Campus, 39399 Cherry Street, Room NC 1100, Newark, CA, 94560 on November 3, 2011 at 9:15 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on November 3, 2011 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2615 of the Business and Professions Code to implement, interpret or make specific Sections 2660, 2660.1, 2661 and 2661.5 of said Code and Section 11425.50(e), Government Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### (1) Amend section 1399.15

The Model Guidelines for Issuing Citations and Imposing Discipline (Model Guidelines) is a manual ad-

ressing public protection while enabling the licensee to practice their profession in a controlled environment.

Document Incorporated by Reference: The "Uniform Standards Related to Substance Abuse and Guidelines for Issuing Citations and Imposing Discipline," dated August 2011, 4th Edition.

The Board has since produced the 3rd edition of the Model Guidelines, to more accurately reflect its purpose and intended use by the public, those subject to the issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, members of the Board who review proposed decisions and stipulations and make final decisions, its Executive Officer and staff, and respondents and their counsel. The Board proposes to incorporate the 4th edition of the Model Guidelines into regulation by reference, which includes additional violations and modifications of the penalties to be consistent and appropriate to the practice of physical therapy. Additionally, there have been changes to the physical therapy laws and regulations that are not reflected in the June 2009 publication of the guidelines thereby hindering the Board's ability to effectively impose an action which would enable a licensee to continue to practice while effectively protecting the public.

The Board currently regulates a total of 31,225 licenses; consisting of 24,984 physical therapists and 6,241 physical therapy assistants. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating of the Physical Therapy Practice Act (PTPA); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol. Business and Professions Code Section 2615 authorizes the Board to adopt regulations that may be necessary to effectuate the provisions of the PTPA.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The Board has made an initial determination that the amendment of this regulation may have a significant,

statewide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States. The Physical Therapy Board has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

The following types of businesses would be affected:

Businesses owned by licensees of the Board who face disciplinary action.

Businesses that employ licensees of the Board who face disciplinary action.

The Board currently regulates a total of 31,225 licensees, including 24,984 physical therapists and 6,241 physical assistants. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact. Probationers are responsible for paying the costs of the diversion program, clinical diagnostic evaluations, biological testing, and facilitated group support meetings as terms of probation. The average salary of a practicing physical therapy in California is approximately \$84,600 per year and the average salary of a physical therapist assistant in California is approximately \$57,760 per year. The cost of Biological Testing may have the most significant impact. The average current rate of a urine analysis is around \$58 per test, plus an average collection fee of \$20–\$50, for a total average cost of \$70–108 per urine test. A probationer ordered to comply with the Biological Testing condition would incur an expense of approximately \$8,112 for the first

year (104 tests for the first year) and approximately \$3,900 per year for the duration of the probationary term (minimum of 50 tests per year for the subsequent probationary years). The average cost of the first year of biological testing is approximately 10% of a physical therapist's salary and 14% of a physical therapist assistant's. If the 104–time–per–year testing requirement results in a probationer's inability to participate in the testing program, the Board will send the case to the Office of the Attorney General to pursue revocation for the probationer's failure to comply with the Biological Testing term and condition. The Board anticipates that at least half of the probationers will not be able to afford the cost of the testing frequency and will result in the Board's pursuit of revocation of the probationer's license. The Board estimates \$3,000 per case for prosecution and hearing costs associated with the revocation of the probationer's license.

#### Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal would have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. Licensees who are in compliance with the law will not incur any fiscal impact.

#### Cost Impact on Private Persons or Entities:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to Board are: A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

#### Effect on Housing Costs: None.

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation may affect small businesses. The Board only regulates activities that appear to affect small businesses as defined in California Government Code Section 14837. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the small business where the licensee works depending on the nature and severity of the violation. A small business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a small business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Small businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

## CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of

California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Elsa Ybarra  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
(916) 561-8262  
(916) 263-2560 — Fax Number  
[elsa.ybarra@dca.ca.gov](mailto:elsa.ybarra@dca.ca.gov)

The backup contact person is:

Jason Kaiser  
2005 Evergreen Street, Suite 1350  
Sacramento, CA 95815  
(916) 561-8278  
(916) 263-2560 — Fax Number  
[jason.kaiser@dca.ca.gov](mailto:jason.kaiser@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be directed to Elsa Ybarra at (916) 561-8262.

Website Access: Materials regarding this proposal can be found at [www.ptb.ca.gov](http://www.ptb.ca.gov).

## TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the PHYSICAL THERAPY BOARD OF CALIFORNIA (PTBC) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on November 3, 2011, 9:00 a.m. at Ohlone College, Newark Campus, 39399 Cherry Street, Room NC1100 Newark, CA 94560.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact



Person in this Notice, must be received by the PTBC at its office not later than 5:00 p.m. on November 3, 2011, or must be received by the PTBC at the hearing. The PTBC, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2615 of the Business and Professions (B&P) Code; and to implement, interpret or make specific sections 900 and 901 of the B&P Code, the PTBC is considering changes to Division 13.2 of Title 16 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The PTBC proposes to add Sections 1400, 1400.1, 1400.2 and 1400.3 in Article 14 of Division 13.2, Title 16, related to Sponsored Free Health Care Events.

On September 23, 2010, Governor Arnold Schwarzenegger signed AB 2699 (Bass, Chapter 270, Statutes of 2010), enacting Business and Professions (B&P) Code section 901, which became effective January 1, 2011. This statute provides a regulatory framework for certain health care events at which free care is offered to uninsured or under-insured individuals by volunteer health care practitioners where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California. Prior to this enactment, licensing laws precluded the participation of volunteers licensed outside of California. B&P Code section 901 defines "sponsoring entities," "sponsored events," and "health care practitioners," and sets forth requirements for registration of sponsoring entities and authorization for participation by practitioners licensed in other states by the various boards responsible for licensure and regulation of healing arts.

These proposed regulations would implement, interpret, and make specific the provisions of B&P Code section 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state Licensed Physical Therapists (PTs) who desire to participate in

sponsored events. The PTBC's highest priority is the protection of the public and these proposed regulations are intended to implement B&P Code section 901 in a manner that will provide the greatest protection for the people of California.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The PTBC has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The PTBC has determined that this proposed regulatory action will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The PTBC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The PTBC has determined that the proposed regulations would not affect small businesses. The proposed regulations do not alter staffing or equipment needs in any small business.

#### CONSIDERATION OF ALTERNATIVES

The PTBC has determined that no reasonable alternative considered by the PTBC or that has otherwise been identified and brought to the attention of PTBC, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The PTBC is directed by statute to develop these regulations and there is, thus, no other method of developing the forms and procedure for registering sponsoring entities and granting authorization for



requests by out-of-state practitioners to participate in sponsored events.

One possible alternative is to delay or refrain from promulgating any regulations — i.e., maintain the status quo. This is not reasonable because the statute specifies a registration and fee process to be developed by the PTBC to implement the statute. By not creating a procedure, the PTBC would obviate the purpose of the statute, which is intended to provide an opportunity for out-of-state licensed volunteers to participate in certain free health care events. Also, it is not reasonable to delay because the statute has a sunset date of January 1, 2014. Because the statute is only effective for three (3) years, it is incumbent on the PTBC to implement the required processes as soon as possible.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The PTBC has prepared an Initial Statement of Reasons for the proposed action and has available all of the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the PTBC at 2005 Evergreen Street Suite 1350, Sacramento, California 95815.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jason Kaiser  
Address: 2005 Evergreen Street,  
Suite 1350  
Sacramento, California 95815

Telephone No: (916) 561-8278  
Fax No.: (916) 263-2560  
E-Mail Address: [jason.kaiser@dca.ca.gov](mailto:jason.kaiser@dca.ca.gov)

The backup contact person is:

Name: Elsa Ybarra  
Address: 2005 Evergreen Street,  
Suite 1350  
Sacramento, California 95815

Telephone No: (916) 561-8262  
Fax No.: (916) 263-2560  
E-Mail Address: [elsa.ybarra@dca.ca.gov](mailto:elsa.ybarra@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.ptbc.ca.gov](http://www.ptbc.ca.gov).

### TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

#### NOTICE OF PROPOSED RULEMAKING

#### ELECTRONIC RECORDS AND SIGNATURES

The Department of Developmental Services (the Department) proposes to amend sections 50602, 50604, 50605, 50607, 50612 and 54326 of Title 17, California Code of Regulations.

#### Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of the Department. The written comment period closes at 5:00 p.m. on 10/31/2011. The Department will only consider comments received at its headquarters by that time. Please submit any written comments to the Department's contact persons as designated below.

#### Public Hearings

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### Authority and Reference

Authority: Section 4631 of the Welfare and Institutions Code authorizes the Department to promulgate regulations prescribing a uniform accounting system.

Sections 4648.1, 4648.2 and 4780.5 authorize the Department to promulgate regulations governing audits of regional centers and service providers.

Reference: Welfare and Institutions Code sections 4500, 4501, 4502, 4631, 4641.5, 4648, 4648.1, 4742, and 4780.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Bureau of State Audits' August 2010 report recommended that if necessary the Department should modify its regulations to allow for electronic documentation and transactions for regional center purchase of services. The Department is amending its regulations to allow for electronic documentation and transactions to ensure that regional centers and vendors are maintaining the necessary documentation for services purchased for consumers.

Title 17, Division 2, Chapter 1: General Provisions; Subchapter 6: Service Provider Accountability; Article 1: General Provision; Section 50602 defines the terms to be used for fiscal audits conducted by the Department and the regional centers. The Department is amending the regulation to allow for and define electronic documentation and transactions. The Department is amending Sections 50604 and 50605 to allow regional centers and vendors to maintain fiscal documents, including source documentation, electronically. Section 50607 is being amended to allow for electronic signatures for the execution of contracts between regional centers and services providers. Section 50612 is being amended to allow for electronic transactions for the authorization of purchase of services and maintain the authorizations electronically.

Title 17, Division 2, Chapter 3: Community Services; Subchapter 2: Vendorization; Article 2: Vendorization Process; Section 54326. General Requirements for Vendors and Regional Centers are being amended to allow for the electronic maintenance of records.

#### **Small Business Determination**

The Department has determined that the amendments will not have an effect on small businesses because these amendments expand the acceptable formats for record keeping, by allowing for electronic documentation, and do not require businesses to change their current record keeping formats.

#### **Local Mandate Determination and Fiscal Impact Statement**

The Department has determined that the proposed regulatory actions do not impose: (1) a mandate on local agencies or school districts; (2) costs to any local agency or school district that must be reimbursed in ac-

cordance with Government Code sections 17500 through 17630; (3) other nondiscretionary costs or savings imposed on local agencies; (4) costs or savings in federal funding to the State; and (5) costs or savings to any State agencies.

#### **Assessment Statement**

The proposed action will not: (a) help in the creation of new businesses or jobs within the State of California; nor (b) cause the expansion of businesses currently doing business within the State of California. The Department has determined that the proposed regulations will not eliminate businesses or jobs within the State of California. The Department has determined that the proposed regulations will not have: (a) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states; nor (b) a significant effect on housing costs.

#### **Cost Impacts on Representative Private Persons or Businesses**

"The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action." [Government Code Section 11346.5(a)(9)].

#### **Alternative Considered**

"The Department has determined that no reasonable alternative has been identified that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action." [Government Code Section 11346.5(a)(13)].

#### **Contact Person**

Comments and inquiries concerning the proposed action or substance of proposed action may be directed to:

Attention: Brian Winfield  
Community Operations Division  
1600 Ninth Street, Room 320, MS 3-9  
Sacramento, CA 95814  
Email: brian.winfield@dds.ca.gov  
Phone: (916) 654-1569  
Fax: (916) 654-3641

If Brian Winfield is unavailable, comments and inquiries concerning the proposed action or substance of the proposed action may be directed to:

Attention: Armando Parra  
Community Operations Division  
1600 Ninth Street, Room 320, MS 3-9  
Sacramento, CA 95814  
Email: armando.parra@dds.ca.gov  
Phone: (916) 654-2297  
Fax: (916) 654-3641

### **Availability of Rulemaking Documents**

The Department has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all of the information upon which the proposed regulations are based. Copies of the Initial Statement of Reasons and text of the proposed regulations, along with all other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above addresses. In addition, the text, Initial Statement of Reasons and other materials for the rulemaking may be viewed over the internet at [www.dds.ca.gov](http://www.dds.ca.gov).

### **Availability of Changed or Modified Text**

After the close of the comment period, the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before the Department adopts the regulations as revised. If the text is modified, the text may be viewed over the internet at [www.dds.ca.gov](http://www.dds.ca.gov). Please send requests for copies of any modified regulations to the contact persons named above.

### **Final Statement of Reasons**

When the Final Statement of Reasons is available, it may be viewed over the internet at [www.dds.ca.gov](http://www.dds.ca.gov). Additionally, requests for copies of the Final Statement of Reasons can be made to the contact persons named above.

## **TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

### **NOTICE OF PROPOSED RULEMAKING PROPOSED AMENDMENT TO SECTION 25707(b), ROUTE OF EXPOSURE**

### **THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, California Code of Regulations section 25707. The proposed amendment to Section 25707<sup>1</sup> removes the reference to hexavalent chromium

in Section 25707(b)(4) as posing no significant risk when ingested, based on recent scientific findings that establish that chromium (hexavalent compounds) can be carcinogenic by the oral route. The primary document relied upon for this amendment is the OEHHA document, Public Health Goals for Chemicals in Drinking Water: Hexavalent Chromium (VI),<sup>2</sup> which was released on July 27, 2011.

## **PUBLIC PROCEEDINGS**

OEHHA is requesting public comment concerning this proposed amendment to the regulation. A public hearing to present oral comments will be scheduled only upon request. Such a request must be submitted in writing no later than 15 days before the close of the comment period on October 31, 2011. The written request must be received by OEHHA at the address listed below no later than October 17, 2011. A notice for the public hearing, if one is requested, will be posted on the OEHHA web site at least ten days in advance of the hearing date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification.

If you have any special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or [mvela@oehha.ca.gov](mailto:mvela@oehha.ca.gov) by October 17, 2011. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Any written statements or arguments, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on October 31, 2011, which is hereby designated as the close of the comment period.

Written comments regarding this proposed action may be sent by mail or by e-mail addressed to:

Fran Kammerer  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
Sacramento, California 95812-4010  
Telephone: 916-445-4693  
E-mail: [fkammerer@oehha.ca.gov](mailto:fkammerer@oehha.ca.gov)

Comments sent by courier should be delivered to:

Fran Kammerer  
Office of Environmental Health Hazard Assessment  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, California, 95814

<sup>1</sup>All further references are to Title 27 of the California Code of Regulations unless otherwise indicated.

<sup>2</sup>Office of Environmental Health Hazard Assessment (OEHHA), Public Health Goals for Chemicals in Drinking Water: Hexavalent Chromium (VI), Pesticide and Epidemiology and Toxicology Branch, OEHHA, California Environmental Protection Agency, July 2011. Available online at <http://www.oehha.ca.gov/water/phg/072911Cr6PHG.html>.

## CONTACT

Inquiries concerning the substance and processing of the action described in this notice may be directed to Fran Kammerer, in writing at the address given above or by telephone at (916) 445-4693. Monet Vela is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2517.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 was enacted as a voters' initiative on November 4, 1986, and codified at Health and Safety Code section 25249.5 et seq. OEHHA is the lead state entity responsible for the implementation of the Act. OEHHA has the authority to promulgate and amend regulations to further the purposes of the Act.<sup>3</sup> The Act requires businesses to provide a warning when they cause an exposure to a chemical listed as known to cause cancer or reproductive toxicity. The Act also prohibits the discharge of listed chemicals to sources of drinking water.

### Section 25707

Title 27, section 25707(b)(4) of the California Code of Regulations provides that five listed chemicals pose no significant risk by the route of ingestion: (1) Asbestos, (2) Beryllium and beryllium compounds, (3) Cadmium and cadmium compounds, (4) Chromium (hexavalent compounds), and (5) Nickel and nickel compounds.

While hexavalent chromium has long been recognized as a potent carcinogen by the inhalation route of exposure, there is now sufficient evidence that hexavalent chromium is also carcinogenic by the oral route of exposure.<sup>4</sup> This proposed amendment will remove the reference to hexavalent chromium from Section 25707(b)(4) to reflect the current scientific information concerning this chemical.

## AUTHORITY

Health and Safety Code section 25249.12.

## REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10, and 25249.11.

<sup>3</sup>Health and Safety Code section 25249.12(a).

<sup>4</sup>OEHHA, Public Health Goals for Chemicals in Drinking Water: Hexavalent Chromium (VI), July 2011, <http://www.oehha.ca.gov/water/phg/pdf/Cr6PHG072911.pdf>.

## IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. Proposition 65 expressly does not apply to federal, state or local governmental agencies (Health and Safety Code section 25249.11(b)).

## COSTS OR SAVINGS TO STATE AGENCIES

The OEHHA has initially determined that no savings or increased costs to any State agency will result from the proposed regulatory action. Proposition 65 expressly does not apply to federal, state or local governmental agencies (Health and Safety Code section 25249.11(b)).

## EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has initially determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

## EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs.

## SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the proposed amendment will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has initially determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.



## COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any new or additional requirements on small business. Proposition 65 is limited by its terms to businesses with 10 or more employees (Health and Safety Code section 25249.11(b)).

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed amendments to these regulations, all the critical information upon which the regulation is based, and the text of the proposed regulations. A copy of the Initial Statement of Reasons and a copy of the text of the proposed amendments to these regulations are available upon request from Monet Vela at the telephone number indicated above. These documents are also posted on OEHHA's Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the changed proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of

such change. Copies of the notice and the changed regulation will also be available at the OEHHA's Web Site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

## FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Monet Vela at the telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

## GENERAL PUBLIC INTEREST

## DEPARTMENT OF FISH AND GAME

### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2011-021-03

**Project:** Gas Line 303ILI Repair Project

**Location:** Contra Costa and Alameda Counties

**Applicant:** Pacific Gas and Electric Company

#### Background

The Pacific Gas and Electric Company (PG&E) proposes to inspect and repair corrosion at three sites along the PG&E Line 303 gas pipeline to assure that the pipeline functions properly and safely (Project). Sites 1 and 2 are located near Camino Diablo Road in Contra Costa County. Site 3 is located in Alameda County just north of the City of Livermore.

A consistency determination (2080-2010-049-03) was issued for the project on October 19, 2010 and pipeline repair work associated with the Project began during the 2011 dry season (April 1 through November 1). After excavating a 10-foot by 20-foot area at Site 1, it was discovered a much larger section of pipe required inspection and repair; the increased area needed to complete the work is 4,700 square feet (see attached Exhibits). As part of the effort to not increase the area of disturbance/impacts to the project, PG&E is proposing to reduce the access width route on Dig Site 2 and 3 by five feet to accommodate the increased area in Dig Site 1; this would actually reduce the original total area of impact on the project by approximately 1,300 square feet. All three dig sites and access routes are homogeneous for habitat and species.

At repair sites 2 and 3, the 36-inch diameter pipeline will be exposed, inspected and repaired. The repair will require a 50-foot by 50-foot work area which will be delineated by Environmentally Sensitive Area (ESA)

fencing. Each pipeline anomaly will require excavation of a 10-foot by 20-foot hole in order to expose the anomaly and facilitate inspection and potential repair work.

Soil from the excavation will be stockpiled alongside the pipe, within the work area and outside of any wetland areas. In areas where wetlands cannot be avoided, PG&E will excavate soil from the area in layers and will stockpile each distinct layer in a separate pile. After the pipe has been exposed, examined and repaired, a protective epoxy coat will be applied and the pipe trench will be backfilled. Layered soil from wetland areas will be replaced as they were found. The temporarily impacted areas will then be restored to pre-construction conditions using a native seed mix appropriate for the area.

The Project activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*) where those activities take place within the Project site. In particular, the project will likely result in a number of adverse effects to California tiger salamander and San Joaquin kit fox. There is a likelihood the animals may be affected by being entombed in their burrows, trapped in pipes or trenches, buried or crushed, hit and injured or killed by vehicle strikes, harassed by noise and vibration, and be indirectly affected by invasive exotic plants whose numbers may be increased by habitat disturbance. California tiger salamander is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.) [See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G)]. San Joaquin kit fox is designated as an endangered species under ESA (16 U.S.C. § 1531 et seq.) and a threatened species under CESA (Fish and Game Code, § 2050 et seq.). [Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E)].

California tiger salamanders are documented as present less than one mile from the Project site and there is suitable California tiger salamander habitat within and adjacent to the Project site. San Joaquin kit fox has been documented approximately 0.5 miles from Sites 1 and 2 at the intersection of Marsh Creek Road and Camino Diablo Road and approximately 3.1 miles from Site 3. Because of the proximity of the nearest documented California tiger salamander and San Joaquin kit fox, the species' dispersal pattern, and the presence of suitable habitat at the Project site, the U.S. Fish and Wildlife Service (Service) determined that California tiger salamander and San Joaquin kit fox are reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of California tiger salamander and San Joaquin kit fox.

According to the Service, Project construction will result in the temporary loss of 0.5 acres of suitable California tiger salamander and San Joaquin kit fox habitat.

Because the Project is expected to result in take of species designated as threatened and endangered under ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by ESA. On November 2, 2009, the Service issued a biological opinion (Service file No. 81420-2009-F-0782-1) (BO) to the Corps. The BO described the Project, required the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporated additional measures. On January 7, 2010, the Service issued an amendment to the BO (Service file No. 81420-2009-F-0782-2) following re-initiation by the Corps to clarify the minimization and mitigation measures for San Joaquin kit fox. On August 30, 2010, the Service issued a second amendment to the BO (Service file No. 81420-2009-F-0782-R001) (Amendments) to clarify minimization and mitigation measures for the California tiger salamander.

On September 20, 2010, the Director of the Department of Fish and Game (DFG) received a notice from the Applicant requesting a determination, pursuant to Fish and Game Code section 2080.1, that the BO and its related ITS and Amendments are consistent with CESA for purposes of the Project and California tiger salamander and San Joaquin kit fox (See Cal. Reg. Notice Register 2010, No. 33-Z, p. 1264).

On October 20, 2010, DFG determined that the BO and ITS are consistent with CESA (Ref. #2080-2010-049-03).

On August 15, 2011, the Director of the Department of Fish and Game (DFG) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the November 2, 2009 BO and its related ITS and subsequent Amendments are still consistent with CESA for purposes of the Project and California tiger salamander and San Joaquin kit fox.

### Determination

DFG has determined that the November 2, 2009 BO and its ITS and subsequent Amendments are consistent with CESA as to the Project and California tiger salamander and San Joaquin kit fox because the mitigation measures contained in the Amended BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. This determination supersedes and replaces the prior determination (Ref. #2080-2010-049-03) issued by DFG on October 20, 2010. Specifically, DFG finds that: (1) take of Califor-

nia tiger salamander and San Joaquin kit fox will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the Amended BO and ITS will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of California tiger salamander and San Joaquin kit fox. The mitigation measures in the Amended BO and ITS include, but are not limited to, the following:

#### Take Avoidance Measures

- Surveys for California tiger salamander and San Joaquin kit fox will be conducted by a DFG and Service approved biologist two weeks before Project activities commence. If California tiger salamanders are found, the Service and DFG will be contacted to determine if relocation is appropriate.
- A worker training session covering California tiger salamander and San Joaquin kit fox will be conducted for all construction personnel.
- Work activities will be completed between April 1 and November 1. Should PG&E demonstrate a need to conduct activities outside this period, the Corps may authorize such activities after obtaining approval from the Service and DFG.
- To prevent inadvertent entrapment of California tiger salamanders and San Joaquin kit fox, all excavated, steep-walled holes or trenches more than 6-inches deep will be covered at the close of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before holes or trenches are filled, they will be thoroughly inspected for trapped California tiger salamander or San Joaquin kit fox.
- A biologist will be present at the Project sites until all minimization and avoidance measures have been completed.

#### Minimization, Mitigation, and Monitoring Measures

- PG&E will purchase 1.5 acres of California tiger salamander habitat credits and 0.5 acres of San Joaquin kit fox habitat credits from a Service and DFG approved conservation bank(s). PG&E will provide the Service and DFG with a copy of the credit purchase agreement(s) for the required credits.

#### Notification and Reporting

- PG&E will notify the Service and DFG within one working day of the finding of any injured California tiger salamander or any unanticipated damage to California tiger salamander habitat.

#### Financial Assurances

- PG&E has provided financial assurance by an Irrevocable Standby Letter of Credit, dated June 11, 2011 for \$14,048 which is consistent with CESA by purchasing 1.5 acres of conservation credits for the impacts to California tiger salamander from a Service and DFG approved conservation bank prior to commencement of Project construction. PG&E will compensate for effects to the San Joaquin kit fox through purchase of credits from a Service and DFG approved mitigation bank equivalent to 0.5 acres of habitat for San Joaquin kit fox prior to commencement of Project construction. PG&E will provide the Service and DFG with a copy of the credit purchase agreement for the required credits.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of California tiger salamander or San Joaquin kit fox, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Amended BO including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Amended BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service further amends or replaces the BO or ITS the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG [See generally Fish and Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. This determination replaces DFG's prior determination (Ref. #2080-2010-049-03) issued by DFG on October 20, 2010.

### **DEPARTMENT OF FISH AND GAME**

Public Interest Notice  
For Publication September 16, 2011  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
PG&E Gas Line 303ILI Repair Project  
(2080-2011-021-03)  
Alameda, Contra Costa Counties

The Department of Fish and Game (Department) received a notice on August 15, 2011 that Pacific Gas and

Electric Company proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves inspecting and repairing corrosion at three sites along the PG&E Line 303 gas pipeline to assure that the pipeline functions properly and safely.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. 81420–2009–F–0782–1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on June 1, 2010 which considered the effects of the project on the Federally and State threatened California tiger salamander (*Ambystoma californiense*) and the Federally endangered and State threatened San Joaquin kit fox (*Vulpes macrotis mutica*). The BO was amended on January 7, 2010 (File No. 81420–2009–F–0782–2) and August 30, 2010 (File No. 81420–2009–F–0782–R001).

Pursuant to California Fish and Game Code Section 2080.1, Pacific Gas and Electric Company is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Pacific Gas and Electric Company will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

#### NOTICE OF INTENT TO LIST CHEMICALS BY THE LABOR CODE MECHANISM

SEPTEMBER 16, 2011

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals identified in the table below as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to the Labor Code mechanism contained in Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	Reference
Estrogen–progestogen (combined) used as menopausal therapy	—	Cancer	IARC (2011a,b)
Etoposide	33419–42–0	Cancer	IARC (2011a,b)
Etoposide in combination with cisplatin and bleomycin	—	Cancer	IARC (2011a,b)
Methylisobutyl ketone	108–10–1	Cancer	IARC (2011b); Grosse <i>et al.</i> (2011)
MOPP (vincristine–prednisone–nitrogen mustard–procarbazine mixture)	113803–47–7	Cancer	IARC (2011a, b)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) incorporates California Labor Code Sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as

known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified by IARC as human or animal carcinogens. Labor Code section 6382(d) refers to substances identified by IARC as carcinogens or potential carcinogens. Information regarding carcinogenicity classifications by IARC may



be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf> (IARC Preamble).

As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether listing under Proposition 65 is required.

**OEHHA's determination:** *Estrogen–progestogen (combined) used as menopausal therapy, etoposide, etoposide in combination with cisplatin and bleomycin, methyl isobutyl ketone, and MOPP (vincristine–prednisone–nitrogen mustard–procarbazine mixture)* each meet the requirements for listing as known to the state to cause cancer for the purposes of Proposition 65.

In 2011, IARC published Volume 100A of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans* (IARC, 2011a). IARC concluded that:

- Estrogen–progestogen (combined) used as menopausal therapy is “carcinogenic to humans” (Group 1)
- Etoposide is “carcinogenic to humans” (Group 1)
- Etoposide in combination with cisplatin and bleomycin is “carcinogenic to humans” (Group 1)
- MOPP is “carcinogenic to humans” (Group 1)

IARC has also published on its website a list entitled “*Agents Classified by the IARC Monographs, Volumes 1–102*” (IARC, 2011b). There, IARC concludes that methyl isobutyl ketone is classified in Group 2B (the agent is “possibly carcinogenic to humans”). IARC also concluded that there is “sufficient evidence of carcinogenicity in experimental animals” for this agent (Grosse *et al.*, 2011).

Therefore, these substances meet the requirements of both Labor Code sections 6382(b)(1) and (d).

**Opportunity for comment:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a). Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when identifying a specific chemical or substance and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Monday, October 17, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered

in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice:

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS–19B  
Sacramento, California  
95812–4010  
**Fax:** (916) 323–8803  
**Street Address:** 1001 I Street  
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445–6900.

#### References:

Grosse Y, Baan R, Secretan–Lauby B, El Ghissassi F, Bouvard V, Benbrahim–Tallaa L, Guha N, Islami F, Galichet L, Straif K, on behalf of the WHO International Agency for Research on Cancer Monograph Working Group (2011). Carcinogenicity of chemicals in industrial and consumer products, food contaminants and flavourings, and water chlorination byproducts. *Lancet Oncology* 12(4):328–9

[URL: <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2811%2970088-2/fulltext>].

International Agency for Research on Cancer (IARC, 2011a). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. A Review of Human Carcinogens: Pharmaceuticals. Volume 100A. World Health Organization. Lyon, France.

[Available at URL: <http://monographs.iarc.fr/ENG/Monographs/vol100A/index.php>].

IARC (2011b). International Agency for Research on Cancer. Agents Classified by the *IARC Monographs*, Volumes 1–102.

[Available at URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf>].

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0729-02

**BOARD OF CHIROPRACTIC EXAMINERS**  
Informed Consent

This regulatory action establishes informed consent requirements for chiropractors when conducting a procedure in which there is a known risk of serious bodily harm.

Title 16

California Code of Regulations

ADOPT: 319.1

Filed 09/07/2011

Effective 10/07/2011

Agency Contact: Dixie Van Allen (916) 263-5329

File# 2011-0819-06

**BOARD OF PHARMACY**

## Pharmacy Technician Application

The Board of Pharmacy submitted this rulemaking action to update the application requirements for licensure as a pharmacy technician under title 16, California Code of Regulations, section 1793.5.

Title 16

California Code of Regulations

AMEND: 1793.5

Filed 09/01/2011

Effective 10/01/2011

Agency Contact: Carolyn Klein (916) 574-7913

File# 2011-0728-03

**CALIFORNIA HORSE RACING BOARD**

## Random Drug Testing; Physical Examination

The California Horse Racing Board adopted section 1500.1 of Title 4 of the California Code of Regulations to make jockeys, apprentice jockeys and drivers subject to random drug testing as well as testing for cause. Additionally, failure to submit to or complete a drug test constitutes a refusal to be tested. Jockeys who refuse the test shall be immediately prohibited from riding or driving in any race until a negative result is achieved. The random drug testing will be conducted on an unannounced basis, before or after the performance of duties. The regulations establish the procedure for the test including a split sample program in case a jockey, apprentice jockey or driver wants to re-test a sample if a positive result is obtained. This rulemaking also amends section 1498 to require a drug test at the annual physical.

Title 4

California Code of Regulations

ADOPT: 1500.1 AMEND: 1498

Filed 09/07/2011

Effective 10/07/2011

Agency Contact: Harold Coburn (916) 263-6397

File# 2011-0725-01

**COURT REPORTERS BOARD OF CALIFORNIA**  
Court Reporting School Curriculum

This rulemaking action updates provisions governing Court Reporter school curriculum to remain current with changes in terminology and technology and to expand the option of online education and online examination administration.

Title 16

California Code of Regulations

AMEND: 2411, 2414

Filed 08/31/2011

Effective 09/30/2011

Agency Contact: Yvonne Fenner (916) 263-4081

File# 2011-0802-03

**DEL MAR RACE TRACK AUTHORITY**

## Conflict-of-Interest Code

This is a Conflict-of-Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the CCR only.

Title 2

California Code of Regulations

AMEND: 54600

Filed 09/01/2011

Effective 10/01/2011

Agency Contact:

Deborah Fletcher

(619) 645-2070

File# 2011-0803-01

**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

## Procedural Regulations

The Department of Fair Employment and Housing (Department) adopted sections 10000 through 10066 in title 2 of the California Code of Regulations establishing the Department's practice and procedure for receiving, investigating, and conciliating complaints of employment and housing and public accommodation discrimination.

Title 2

California Code of Regulations

ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066

Filed 09/07/2011

Effective 10/07/2011

Agency Contact: Annmarie Billotti (916) 478-7247

File# 2011-0830-01

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Oriental Fruit Fly Eradication Area**

This emergency action adds Ventura County to the eradication area for the Oriental Fruit Fly (*Bactrocera dorsalis*).

**Title 3**

California Code of Regulations

AMEND: 3591.2(a)

Filed 09/07/2011

Effective 09/07/2011

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2011-0819-05

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Conflict-of-Interest Code for the State Board of Food and Agriculture**

The Department of Food and Agriculture for the State Board of Food and Agriculture is amending its conflict-of-interest code found at title 2, div. 8, ch. 8, sec. 29000. The changes were approved for filing by the Fair Political Practices Commission on January 19, 2011.

**Title 2**

California Code of Regulations

AMEND: div. 8, ch. 8, sec. 29000

Filed 09/06/2011

Effective 10/06/2011

Agency Contact: Josh Eddy (916) 654-0462

File# 2011-0816-04

**DEPARTMENT OF JUSTICE**

**Department of Financial Institutions Bond form**

This is a Surety Bond Form of the Department of Financial Institutions concerning Receiving Money for Transmission Licensee Bond. The form is being submitted for filing with the Secretary of State and printing only.

**Title 11**

California Code of Regulations

AMEND: 101.1

Filed 09/02/2011

Effective 09/02/2011

Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-0816-05

**DEPARTMENT OF JUSTICE**

**Department of Financial Institutions Bond Form**

This is a Surety Bond Form of the Department of Financial Institutions concerning Payment Instrument or Stored Value Licensee Bond. The form is being submitted for filing with the Secretary of State and printing only.

**Title 11**

California Code of Regulations

ADOPT: 101.2

Filed 09/02/2011

Effective 09/02/2011

Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-0725-02

**OCCUPATIONAL SAFETY AND HEALTH**  
**STANDARDS BOARD**

**Fixed Ladders and Steps for Telecommunication Towers and Poles**

The California Occupational Safety and Health Standards Board adopted additional standards for fixed ladders and steps for telecommunication towers and poles pursuant to a request from industry that noted that the current California standards are not consistent with the current federal standards. These modifications provide protection commensurate with the federal standards.

**Title 8**

California Code of Regulations

AMEND: 8608

Filed 09/06/2011

Effective 10/06/2011

Agency Contact: Marley Hart (916) 274-5721

File# 2011-0802-02

**STATE RACE TRACK LEASING COMMISSION**

**Conflict-of-Interest Code**

This is a Conflict-of-Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted to OAL for filing with the Secretary of State and printing in the CCR only.

**Title 2**

California Code of Regulations

AMEND: 54200

Filed 09/01/2011

Effective 10/01/2011

Agency Contact: Deborah Fletcher (619) 645-2070

File# 2011-0811-02

**WORKFORCE INVESTMENT BOARD**

**Conflict-of-Interest Code**

The California Workforce Investment Board is repealing and adopting its conflict-of-interest code found at title 2, div. 8, ch. 97, sec. 58600. The Fair Political Practices Commission approved these changes on July 12, 2011.

**Title 2**

California Code of Regulations

ADOPT: div. 8, ch. 97, sec. 58600

REPEAL: div. 8, ch. 97, sec. 58600

Filed 09/01/2011

Effective 10/01/2011

Agency Contact: Michelle Green (916) 324-3363

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN April 13, 2011 TO  
September 7, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

09/07/11 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066  
09/06/11 AMEND: 29000  
09/01/11 ADOPT: 58600 REPEAL: 58600  
09/01/11 AMEND: 54200  
09/01/11 AMEND: 54600  
08/08/11 ADOPT: 59700  
07/27/11 AMEND: 1859.90.2, 1859.81  
07/15/11 AMEND: 1151, 1153, 1155.500, 1165, 1170, 1172.20  
07/11/11 ADOPT: 21903.5 AMEND: 21903  
07/11/11 ADOPT: 570.5 AMEND: 571(b)  
07/06/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2  
07/06/11 AMEND: 18360  
07/05/11 AMEND: 649.3, 649.18, 649.20, 649.24  
06/30/11 AMEND: 633.9  
06/21/11 REPEAL: 59152  
06/07/11 AMEND: 640  
05/12/11 AMEND: 1859.83  
05/04/11 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2  
04/28/11 AMEND: 18427.1  
04/28/11 AMEND: 1859.90.2  
04/27/11 AMEND: 1859.76  
04/21/11 REPEAL: 18420.5

04/21/11 AMEND: 18465  
04/21/11 ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197

**Title 3**

09/07/11 AMEND: 3591.2(a)  
08/23/11 ADOPT: 6131 AMEND: 6128, 6130  
08/23/11 ADOPT: 1392.4.1 AMEND: 1392, 1392.1, 1392.2, 1392.4, 1392.6, 1392.8.1, 1392.9, 1392.11  
08/03/11 AMEND: 3437(b)  
07/28/11 REPEAL: 1400.9.1  
07/15/11 AMEND: 3434(b)  
07/15/11 AMEND: 3589  
07/15/11 REPEAL: 3286  
07/08/11 AMEND: 3658  
07/05/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407  
06/28/11 AMEND: 3591.15(a)  
06/27/11 AMEND: 3437(b)  
06/22/11 AMEND: 3435(b)  
06/15/11 AMEND: 3437(b)  
05/31/11 AMEND: 3437(b)  
05/11/11 ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860  
04/20/11 AMEND: 3434  
04/14/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407

**Title 4**

09/07/11 ADOPT: 1500.1 AMEND: 1498  
08/16/11 ADOPT: 8078.2 AMEND: 8070, 8072, 8073, 8074  
08/10/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037  
07/27/11 AMEND: 5064  
07/21/11 ADOPT: 1844.1  
07/20/11 AMEND: 4800, 4801, 4802  
07/20/11 AMEND: 150  
07/12/11 AMEND: 1606, 1974, 1954.1, 1957, 1959, 1976, 1976.8, 1976.9, 1977, 1978, 1979, 1979.1  
07/01/11 ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5133, 5140, 5141, 5142, 5143, 5144, 5150, 5151, 5152, 5153, 5154, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211,



	5212, 5220, 5221, 5230, 5231, 5232, 5240, 5241, 5250, 5251, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5361, 5362, 5363, 5369, 5370, 5371, 5380, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590		
06/24/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036		
06/21/11	AMEND: 1876		
06/15/11	ADOPT: 340 AMEND: 221, 222, 226, 230, 288, 300 REPEAL: 262		
05/31/11	AMEND: 8078.2		
04/18/11	AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328		
<b>Title 5</b>			
08/15/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846		
08/15/11	ADOPT: 40050.2		
08/15/11	ADOPT: 40050.3		
08/15/11	AMEND: 40100.1		
08/15/11	AMEND: 40404		
08/15/11	AMEND: 40405.1		
08/15/11	ADOPT: 40509		
08/15/11	ADOPT: 40513		
08/15/11	ADOPT: 40514		
08/15/11	ADOPT: 40515		
08/15/11	ADOPT: 40516		
08/15/11	ADOPT: 41021		
08/15/11	ADOPT: 41022		
08/04/11	ADOPT: 1039.1		
08/04/11	AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6		
06/21/11	AMEND: 58771		
06/20/11	ADOPT: 80048.9, 80048.9.4 AMEND: 80046.1, 80048.5, 80070.1, 80070.2, 80070.3, 80070.4, 80070.5, 80070.6 REPEAL: 80046, 80070.7, 80070.8		
05/23/11	ADOPT: 13075.3, 13075.6, 13075.7, 13075.8, 13075.9 AMEND: 13075.1, 13075.2, 13075.4 (renumbered from 13075.3), 13075.5 (renumbered from 13075.4)		
05/02/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846		
05/02/11	ADOPT: 80036.4 AMEND: 80034, 80036, 80036.1, 80036.2, 80036.3, REPEAL: 80036.5		
04/13/11	AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 (now 862.5), 864, 864.5, 866, 868		
<b>Title 7</b>			
08/16/11	AMEND: 218		
<b>Title 8</b>			
09/06/11	AMEND: 8608		
08/29/11	AMEND: 1504, 3207		
08/10/11	ADOPT: 3302 AMEND: 3308		
08/05/11	ADOPT: 1603.1 AMEND: 1504, 1600, 1602, 1603		
08/01/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464		
07/28/11	ADOPT: 6799.1 AMEND: 6755		
07/07/11	ADOPT: 1610 (section heading), 1610.1, 1610.2, 1610.3, 1610.4, 1610.5, 1610.6, 1610.7, 1610.8, 1610.9, 1611 (section heading), 1611.1, 1611.2, 1611.3, 1611.4, 1611.5, 1612 (section heading), 1612.1, 1612.2, 1612.3, 1612.4, 1613 (section heading), 1613.1, 1613.2, 1613.3, 1613.4, 1613.5, 1613.6, 1613.7, 1613.8, 1613.9, 1613.10, 1614, 1615 (section heading), 1615.1, 1615.2, 1616 (section heading), 1616.1, 1616.2, 1616.3, 1616.4, 1616.5, 1616.6, 1616.7, 1617 (section heading), 1617.1, 1617.2, 1617.3, 1618 (section heading), 1618.1, 1618.2, 1618.3, 1618.4, 1619 (section heading), 1619.1, 1619.2, 1619.3, 1619.4, 1619.5 AMEND: 1694, 2940.7, 6060		
06/27/11	REPEAL: 10119, 10120		
06/20/11	AMEND: 10250.1		
06/02/11	AMEND: 5154(j)(1)		
05/31/11	AMEND: 5155		
05/20/11	AMEND: 341.13, 341.14, 341.16, 341.17		
05/03/11	AMEND: 3657		
05/02/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464		
04/26/11	AMEND: 3209		

04/18/11	ADOPT: 9792.5.0, 9792.5.1, 9792.5.2, 9792.5.3 AMEND: 9792.5	<b>Title 13</b>	08/23/11	ADOPT: 345.00 AMEND: 345.02, 345.04, 345.15, 345.18, 345.20, 345.22, 345.23, 345.26
04/18/11	AMEND: 344.30		08/16/11	AMEND: 1800
04/13/11	AMEND: 3380		07/06/11	ADOPT: 1231.2 AMEND: 1200, 1201, 1217, 1221, 1222, 1232
<b>Title 9</b>			07/01/11	AMEND: 156.00, 156.01
08/08/11	ADOPT: 4500, 4510, 4520		<b>Title 13, 17</b>	
<b>Title 10</b>			06/20/11	AMEND: Title 13: 2299.5 and Title 17: 93118.5
08/11/11	AMEND: 2731		<b>Title 14</b>	
08/01/11	AMEND: 3012.3		08/30/11	ADOPT: 3550.16
07/27/11	AMEND: 2770.1, 2847.3		08/29/11	AMEND: 502
07/25/11	AMEND: 2222.12		08/08/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2
07/13/11	AMEND: 210, 221		08/03/11	ADOPT: 1051.3, 1051.4, 1051.5, 1051.6, 1051.7 AMEND: 895
07/08/11	AMEND: 2699.6707		07/22/11	AMEND: 852.60.2, 852.60.3, 852.60.4, 852.61.1, 852.61.2, 852.61.3, 852.61.5, 852.61.6, 852.61.7, 852.61.8, 852.61.9, 852.61.10, 852.61.11, 852.61.12, 852.62.1, 852.62.2, 852.62.3
07/07/11	AMEND: 260.204.9		07/14/11	AMEND: 791, 791.7, 792, 793, 794, 795, 796 REPEAL: 791.5
06/30/11	AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725		07/12/11	ADOPT: 749.6
05/31/11	REPEAL: 2274.74, 2274.77		07/08/11	ADOPT: 708.1, 708.2, 708.3, 708.4, 708.5, 708.6, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16, 708.17 AMEND: 360, 361, 362, 363, 364, 365, 366, 353, 354, 478.1, 702, 711 REPEAL: 708
05/23/11	AMEND: 2698.99		06/21/11	AMEND: 7.50
05/16/11	AMEND: 2498.6		06/16/11	AMEND: 7.00, 7.50
05/04/11	ADOPT: 260.004.1		06/13/11	AMEND: 632
04/25/11	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317		06/09/11	AMEND: 27.20, 27.25, 27.30, 27.32 (renumbered to 27.35), 27.35 (renumbered to 27.40), 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10, 150.16 REPEAL: 27.40, 28.51, 28.52, 28.53, 28.57
04/18/11	AMEND: 2188.65, 2695.180		05/19/11	AMEND: 632
<b>Title 11</b>			05/12/11	ADOPT: 28301
09/02/11	ADOPT: 101.2		05/11/11	AMEND: 27.80
09/02/11	AMEND: 101.1		05/03/11	AMEND: 790, 815.05, 816.01, 816.02, 816.03, 816.05, 817.02, 817.03, 818.02, 818.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.05, 827.01, 827.02
06/06/11	AMEND: 51.7			
06/01/11	AMEND: Article 20, section 51.2			
05/31/11	AMEND: Article 20, section 51.25			
05/25/11	ADOPT: Article 20, section 51.27			
05/24/11	AMEND: Article 20, section 51.15			
05/24/11	AMEND: Article 20, section 51.24			
04/19/11	AMEND: 1005, 1007, 1008			
04/19/11	AMEND: 1018			
04/13/11	AMEND: 1054			

05/02/11	AMEND: 925.7, 925.10, 926.9, 926.10, 927.5, 928.5, 928.6, 945.4, 965.4	07/01/11	AMEND: 2070, 2071
05/02/11	AMEND: 898.2	06/14/11	AMEND: 1398.44, 1399, 1399.85
04/29/11	ADOPT: 1570, 1571, 1572, 1572.1, 1572.2, 1573, 1573.1, 1573.2, 1573.3, 1573.4, 1573.5, 1573.6, 1574, 1575, 1575.1, 1575.2, 1575.3, 1576	06/06/11	AMEND: 4144 now 4147
04/25/11	AMEND: 1670	05/24/11	ADOPT: 1810.1, 1810.2, 1816.8, 1820, 1820.5, 1821, 1822 AMEND: 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1832, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, 1888
<b>Title 15</b>		05/18/11	AMEND: 124
08/16/11	ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, 3769.6	05/18/11	AMEND: 1536
08/03/11	AMEND: 3000	05/09/11	ADOPT: 360, 363.1, 370 AMEND: 355 now 371, 356 now 361, 356.5 to 362, 357 now 363, 358 now 364, 360 now 366, 355.1 now 372, 359 now 365 REPEAL: 355.2
07/28/11	ADOPT: 3084.8, 3084.9, 3086 AMEND: 3000, 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3137, 3173.1, 3179, 3193, 3220.4, 3482, 3630, 3723 REPEAL: 3085	04/28/11	ADOPT: 1131, 1132
07/19/11	AMEND: 3090, 3176.4, 3315, 3323	04/28/11	AMEND: 4150, 4151, 4152.1, 4153, 4154, 4155
07/07/11	ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3	04/26/11	AMEND: 1306
06/27/11	AMEND: 3140	04/25/11	AMEND: 48.3
06/20/11	ADOPT: 8007, 8008 AMEND: 8000	04/25/11	AMEND: 600.1, 601.5, 602, 602.1, 603, 605, 607.4, 608.3, 627, 634, 635, 645
06/15/11	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000	04/15/11	ADOPT: 2007, 2010.05 AMEND: 2085.1
06/15/11	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000	04/14/11	AMEND: 70
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06/02/11	AMEND: 3378	<b>Title 17</b>	
05/26/11	ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767	08/29/11	ADOPT: 58883, 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543
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05/11/11	AMEND: 3335	06/17/11	ADOPT: 95356
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09/01/11	AMEND: 1793.5		
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07/20/11	ADOPT: 4145 AMEND: 4141		
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05/19/11	AMEND: 93115.3, 93115.4, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.13	74717, 74743, 76521, 76525, 76555, 76916,76918,78437,79313,79799	
04/21/11	AMEND: 7583	05/17/11	ADOPT: 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52600 AMEND: 52000, 52502, 52503, 52504, 52505, 52507, 52516
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08/16/11	ADOPT: 1685.5	04/25/11	AMEND: 2708(c)–1
07/20/11	AMEND: 25106.5–11	04/21/11	AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465–E
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06/22/11	AMEND: 1507	07/27/11	AMEND: 3939.19
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06/30/11	AMEND: 1160.10	07/08/11	ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5
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08/23/11	AMEND: 97212, 97213, 97228, 97229, 97232, 97240, 97241, 97246, 97248	05/12/11	ADOPT: 3909.1
07/21/11	AMEND: 50035.5, 50145, 50179.5, 50183, 53845 REPEAL: 50245	05/06/11	ADOPT: 3939.38
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		07/28/11	AMEND: 63–402.226
		06/02/11	AMEND: 31–002, 31–075, 31–206, 31–320, 31–505, 31–510